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# 28<sup>th</sup> Alaska State Legislature



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## Senate Judiciary Committee

### ***SB 64 OMNIBUS CRIME/CORRECTIONS/RECIDIVISM BILL***

#### Explanation of Changes

#### **(S)STA**

From version N to O

- The Alaska Sentencing Commission (Section 2) was moved from the Alaska Court System to the Office of the Governor.
  - The executive director of the Alaska Native Justice Center was removed.
  - The director of the Division of Juvenile Justice was removed.
  - A member of the Alaska Native community was added.
  - The commissioner of HSS was added.
  - A victims' rights advocate was added.
- In regards to staffing the commission, the Alaska Judicial Council replaced the Office of the Governor.
- Sections 3 & 4: A provision was added indicating that limited license privileges are granted, at a minimum, of either five years or the duration the person is participating in court-ordered treatment program.
- Two sections (6 & 7) were added creating a process for people with limited licenses to have their normal driving privileges restored upon successful completion of therapeutic courts and driving successfully for at least five years without being convicted of an offense since the license was revoked, as well as providing proof of insurance.

#### **(S)JUD**

From version O to D

- Sections relating to limited licenses (Sections 3, 4, 5, 6, & 7 of Version O) were removed.
- Sections 1-3 create a criminal offense of custodial interference in the second degree when a non-relative or individual without custodial rights to a child attempts to take or takes a child from a lawful custodian. Currently non-custodians who try to take a child can only be charged with criminal trespass. This section closes the loophole and creates a more serious criminal offense of non-custodial interference in the second degree.
- Sections 4-19 were added to adjust the felony threshold for property crimes from \$500 to \$750.

- Sections 20-22 were added to establish a 24/7 Sobriety program as a condition of release before trial for offenders who have been charged with an alcohol-related or substance abuse-related offense that is an unclassified felony, a class A felony, a sexual felony, or a crime involving domestic violence.
- Section 23 was amended to clarify what purposes a person can receive credit for time served in a residential treatment facility, provided the periods during which residents are permitted to leave the facility must be for rehabilitative purposes directly related to the person's treatment or for employment, vocational training, or community volunteer.
- Section 24 was added to establish a 24/7 Sobriety program as a condition of probation.
- Section 25 was added to clarify that the Judicial Council shall staff and provide administrative support to the commission.
- Section 26 was added to establish the main components of 24/7 Sobriety and P.A.C.E.
- Sections 27-28 were added to establish P.A.C.E. in the parole board.
- Section 29 was added to require the Department of Corrections to conduct a risk-needs assessment on all offenders serving a term of incarceration of 30 days or more.
- Section 30 establishes the Recidivism Reduction Grant Fund to promote transitional re-entry programs for people recently released from correctional facilities.
- Section 31 experienced several changes to the commission:
  - The name of the commission was changed from the Alaska Sentencing Commission to the Alaska Criminal Justice Commission to better conform to its powers and duties.
  - 1 Senator and 1 Representative were removed from the commission and the remaining legislators were made ex-officio, non-voting members.
  - The member of the Alaska Native community is designated by the Alaska Native Justice Center and no longer appointed by the Governor.
  - The commissioners of corrections, public safety, and health and social services were removed.
  - The director of the office of public advocacy was removed.
  - The victims' rights advocate was removed.
  - A private attorney was added.
  - A chief of a municipal law enforcement agency was added.
  - The Alaska Judicial Council provides staff and administrative support to the commission.
- Section 32 establishes a 5-year sunset on the commission.
- Section 35 gives the Department of Corrections authority to begin adopting regulations to implement sections of the bill.
- Section 36 establishes a 2016 effective date for section 29 of the bill.
- Section 38 establishes an effective date for the bill.

**(S)FIN**

From version D to L

- In sections 4-19, the felony theft threshold was raised to \$1,200.

- Section 29 was amended to include assessments for offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based disorder.
- The 24/7 Sobriety program was moved from the Department of Corrections to the Department of Health and Social Services.
- The Recidivism Reduction Fund was moved from the Department of Corrections to the Department of Health and Social Services.
- Two members of the Alaska Criminal Justice Commission were removed, the sunset was changed to 2018 (rather than 2019), and an audit provision was added upon expiration of the commission.

#### **(H) JUD**

From Version L to V

- In sections 4-19, the felony theft threshold was lowered to \$750.
- Sections 1 & 28 were added to incorporate Senate Bill 108 into the bill.
- Section 2 is clarified to provide that “intent to take or keep the child” must exist to meet the crime of custodial interference in the 2<sup>nd</sup> degree.
- Section 23 was changed to make “residents” singular rather than plural for the purposes of calculating Nygren credit.
- Section 26 establishes combat-related PTSD and TBI as a potential mitigating factor in sentencing.
- Sections 29-31 & 33 were added to establish a felony limited license.
- Section 32 was added to allow the Department of Corrections the ability to place first-time DUI offenders on electronic monitoring for the 72-hour minimum.
- A provision was added to Section 30 that requires the Department to prepare a report summarizing the findings and results of the increased assessments required under that section.
- In Section 30, a seat for a victims’ rights advocate was added to the Alaska Criminal Justice Commission.
- Multiple changes were made to Sec. 44.19.645 (Powers & Duties) and Sec. 44.19.646 (Methodology) of the Alaska Criminal Justice Commission.
- The sunset for the commission was reduced by several months and conforming changes were made to the date of the annual report and the commission staffing.
- A section was added that requires the Alaska Criminal Justice Commission to issue a special report to the governor and the legislature regarding AS Title 28.